



U.S. Department
of Transportation

Research and
Special Programs
Administration

DEPT. OF TRANSPORTATION
DOCKETS

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JUN 18 1999

400 Seventh Street, S W
Washington, D.C 20590

58890

RSPA - 99 - 5935 - 5

DOT-E 12284

EXPIRATION DATE: September 15, 1999

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: L & D Safety Marking Corp. (L&D)
Barre, Vermont
2. PURPOSE AND LIMITATION:
 - a. This emergency exemption authorizes the transportation in commerce of certain non-DOT specification cargo tanks used for roadway striping. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this emergency exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with use as a component of a transport vehicle, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.242(b) in that the use of non-DOT specification cargo tanks is authorized.
5. BASIS: This emergency exemption is based on the application of L & D dated May 18, 1999, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Adhesives, containing a flammable liquid	3	UN1133	II
Gasoline	3	UN1203	II
Paint related material	3	UN1263	II

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are certain non-DOT specification cargo tanks securely bolted to a motor vehicle, used for roadway striping. Each cargo tank must be constructed and certified in conformance with the **ASME** Code. Each cargo tank must have a minimum design pressure of 100 psig and a maximum capacity of 350 gallons.

b. TESTING -

(1) Each cargo tank must be given an external visual inspection prior to use to ensure that it has not been damaged on the previous trip.

(2) Each cargo tank must be retested and reinspected in accordance with **§ 180.407(c)** as specified for a DOT Specification MC 331 cargo tank motor vehicle.

c. OPERATIONAL CONTROLS -

(1) Each cargo tank must be securely mounted to a motor vehicle in accordance with the securement provisions prescribed in **§§ 393.100 - 393.106** of the Federal Motor Carrier Safety Regulations and have an identification number listed in the exemption application on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Other vehicles may be used only after notifying OHMEA in writing to amend the list and receiving written confirmation from OHMEA that the amendment to the list is approved.

(2) Each cargo tank may not be filled so as to be liquid full at less than or equal to 130°F.

(3) The cargo tank may not be pressurized when the motor vehicle is traveling to and from job sites.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

b. MARKING - Each vehicle must be plainly marked on both sides near the middle in letters at least two inches in height on a contrasting background "DOT-E 12284." Each vehicle identification number must be marked on both sides of the vehicle.

c. Hydrostatic test certificates for each cargo tank must be maintained by the manufacturer or owner and be made available to any representative of the Department of Transportation upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.


12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable.

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(Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:



Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

JUN 18 1999

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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